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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CDS BUSINESS SERVICES, INC., doing business
as Newtek Business Credit,

Plaintiff,

-against-

STEPHAN JOSEPH SEBBAG,

Defendant.

Case No. 2:21-cv-01992-JS-ST

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Thomas P. McEvoy, Esq., dated December 3, 2021, including all of the exhibits appended thereto, the Declaration of Stephan Joseph Sebbag, dated December 3, 2021, the accompanying Memorandum of Law in Support, dated December 3, 2021, and upon all prior pleadings and proceedings had herein, Defendant Stephan Joseph Sebbag will move this Court at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Courtroom 1030, Central Islip, New York 11722, before the Honorable Joanna Seybert., United States District Judge, for an Order, pursuant to Fed. R. Civ. P. 12(b)(2) and (3), to dismiss the Complaint of CDS Business Services, Inc. doing business as Newtek Business Credit or, in the alternative, to transfer the venue of this action to the Central District of California pursuant to 28 U.S.C. §§ 1404(a) or 1406(a), along with such other and further relief as this Court deems proper

WHEREFORE, for the reasons set forth in the Declaration of Thomas P. McEvoy, Esq., dated December 3, 2021, including all of the exhibits appended thereto, the Declaration of Stephan Joseph Sebbag, dated December 3, 2021, and the accompanying Memorandum of Law in Support, dated December 3, 2021, Defendant Stephan Joseph Sebbag respectfully submits that pursuant to Fed. R. Civ. P. 12(b)(2) and (3), the Court grant his motion to dismiss in its entirety and Plaintiff's Complaint be dismissed with prejudice or, in the alternative, pursuant to 28 U.S.C. §§ 1404(a), the Court transfer the venue of this action to the Central District of California, together with such other and further relief in Mr. Sebbag's favor as this Court deems just and proper.

Dated: New York, New York
December 3, 2021

Respectfully submitted,

SICHENZIA ROSS FERENCE LLP

By: /s/ Thomas P. McEvoy
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*Attorneys for Defendant
Stephan Joseph Sebbag*

TO: All Parties (*via ECF*)